

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHANIE ELAIN DAVIS,

Plaintiff,

v.

SHAUN WILLIAM DAVIS,

Defendant.

No. 2:25-cv-00555 DAD CKD (PS)

ORDER

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff’s brief and conclusory allegations do not state a federal claim against any defendant. Plaintiff alleges that defendant hacked her phone and damaged her reputation, causing her mental distress. Plaintiff alleges federal question jurisdiction but does not allege that any

1 federal statute has been violated, nor assert any legal basis for her claims.

2 The federal courts are courts of limited jurisdiction. Without a basis for federal
3 jurisdiction, plaintiff's claims cannot proceed in this venue. Federal question jurisdiction
4 pursuant to 28 U.S.C. § 1331 arises in two situations. First, a court may exercise federal question
5 jurisdiction where a federal right or immunity is "an element, and an essential one, of the
6 plaintiff's cause of action[.]" Franchise Tax Bd. v. Constr. Laborers Vacation Trust for S. Cal.,
7 463 U.S. 1, 11 (1983). Second, federal question jurisdiction arises where a state-law claim
8 "necessarily raise[s] a stated federal issue, actually disputed and substantial, which a federal
9 forum may entertain without disturbing any congressionally approved balance of federal and state
10 judicial responsibilities." Grable & Sons Metal Prod., Inc. v. Darue Eng'g & Mfg., 545 U.S. 308,
11 314 (2005). To assess federal-question jurisdiction, courts apply the "well-pleaded complaint"
12 rule under which "federal jurisdiction exists only when a federal question is presented on the face
13 of the plaintiff's properly pleaded complaint." Caterpillar Inc. v. Williams, 482 U.S. 386, 391–
14 92, (1987).

15 Because there is no basis for federal jurisdiction evident in the complaint, plaintiff will be
16 ordered to show cause why this action should not be dismissed. Failure to allege a proper basis
17 for jurisdiction will result in a recommendation that the action be dismissed.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted;
20 2. No later than April 30, 2025, plaintiff shall show cause why this action should not be
21 dismissed for lack of jurisdiction.

22 Dated: April 16, 2025

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24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE
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